**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MRS. JUSTICE K. HEMA**

**WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928**

**Con. Case(C).No. 279 of 2007(S)**

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**AGAINST THE JUDGEMENT/ORDER IN CRL.MA.13171/2006 in Crl. R.P. No. 4532/2006 Dated 21/12/2006**

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**PETITIONERS/ PETITIONER'S IN THE CRL. R.P**

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1. **K.B. MOHANDAS, S/O. BALAKRISHNAN, AGED 53, T.C. 37/1432, CIVIL LINES ROAD, THRISSUR.**

2. **K.B. HARIDAS, S/O. BALAKRISHNAN, AGED 49, KARTHIKA, CIVIL LINES ROAD, CHUNGAM, THRISSUR.**

3. **K.B. PADMADAS, S/O. BALAKRISHNAN, AGED 46, KOOLIYAL HOUSE, THEERTHDHAM, P.O. PADOOKKAD, THRISSUR.**

4. **K.B. JAYADAS, S/O.BALAKRISHNAN, AGED 39, KOOLIYAL HOUSE, MULLURKARA P.O., THRISSUR.**

5. **T.V. PRADEEP KUMAR, S/O.VENUGOPAL, AGED 41, PADMALAYAM, P.O.MULLURKARA, THRISSUR.**

6. **GIRISHKUMAR, S/O.VENUGOPALAN, AGED 38, PADMALAYAM, P.O.MULLURKARA, THRISSUR.**

7. **K.A. SIVADASAN, S/O. APPUKUTTY @ KUNJAN, AGED 42, KOOLIYAL HOUSE, ALLOOR, P.O.MULLURKARA, THRISSUR.**

8. **P.N. JOSHY, S/O. NARAYANAN, AGED 48, POLAKULATH HOUSE, OPP.TOWN HALL, NORTH NADA, P.O. KODUNGALLUR, THRISSUR.**

9. **GOPALAKRISHNAN, S/O.RAMAN, AGED 52, CHULLIVALAPPIL HOUSE, IRRUNNILAMCODE, P.O. MULLURKARA, THRISSUR.**

10. **V.R. SAMIAK, S/O. V.K. RAVEENDRAN, AGED 32, VELAPARAMBLI, P.O.VALLIVATTOM, MUKUNDAPURAM TALUK, THRISSUR.**

**11. P.N. SURESH POTTEKKAD, S/O.NANU,
AGED 46, POTTEKKAD HOUSE, P.O. KARAMUKKU,
THRISSUR.**

**12. K.M. UNNI, S/O. MADHAVAN, AGED 57,
KOOLIYIL HOUSE, P.O.THONNURKARA,
THALAPPILLY TALUK, THRISSUR.**

**13. T.R. YATHEENDRAN, S/O. RAMAKRISHNAN,
AGED 41, P.O. EROOR, KANAYANNUR TALUK,
ERNAKULAM.**

**BY ADV. SRI. B. MOHANLAL
SMT. MEREENA JOSEPH**

**RESPONDENT/ 1ST RESPONDENT IN CRL. R.P.**
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**SRI. K.V. UTHAMAN, AGE AND FATHER'S NAME NOT KNOWN TO THESE PETITIONERS, DIVISIONAL FOREST OFFICER, MANNARKKAD, PALAKKAD.**

**BY SRI. C.M. SURESH BABU, SPL.G.P. FOR FOREST
SRI. M.P. PRAKASSH (SPL.GP.FORESTS)**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K. HEMA, J.**

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**Contempt Case (C) No. 279 of 2007**

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**Dated this the 7th day of March, 2007**

**J U D G M E N T**

This petition is filed to initiate proceedings under Sections 10 and 12 of the Contempts of Court Act against respondent-Divisional Forest Officer.

2. According to petitioners, respondent committed grave contempt of this Court in violating the directions issued as per Annexure-1 order, passed by this Court. As per the said order, petitioner is permitted to execute a bond (in lieu of furnishing security) for certain sum with two solvent sureties each as the Sub Divisional Magistrate may deem fit and proper, for the release of the trees. Petitioners would contend that Sub Divisional Magistrate as per Annexure II order ordered to release 299 trees to petitioners forthwith on proper acknowledgment, on execution of bond for Rs. 8 lakhs with two sureties, until completion of investigation under Section 61-A of the Kerala Forest Act.

3. But, under the guise of proceedings allegedly initiated under Section 61-A of the Kerala Forest Act, the respondent refused to release the trees, despite the Annexure-II order passed by Sub Divisional Magistrate, it is contended. Petitioners are, therefore, seeking action against respondent under the Contempts of Court Act.

4. Learned Government Pleader submitted that no contempt is involved in this case. The trees which were cut and removed are worth more than Rs. 8 lakhs and it comes to Rs. 28.5 lakhs. The respondent only wanted to bring to the notice of the Sub Divisional Magistrate that the bond-amount fixed is too low and seek for appropriate orders regarding the bond-amount. The respondent was not heard before the release order was passed. In such circumstances, respondent only wanted to move the Sub Divisional Magistrate for appropriate orders and there is no malafides in any of the action by respondent. The respondent has not wilfully violated any order of this Court. It is also submitted that even now, the respondent has no objection to release the trees to petitioners, in obedience to the directions given by this Court. But,if the bond amount is not enhanced, it will seriously affect interests of the Government, it is submitted. (Petitioner's counsel also brought to my notice that an order was passed by forest officials directing petitioners to remove the trees).

5. In short, learned Government Pleader submitted that respondent has no objection in releasing the trees to petitioners on executing a bond for Rs. 28.5 lakhs, with two sureties pursuant to Annexure-II order. The petitioners are also prepared to execute bond as suggested by the learned Government Pleader, as per the

submissions made by learned counsel for petitioners. Hence, these submissions are recorded. In the light of this, I do not find any reason to proceed further with this petition.

Both sides are at liberty to move Sub Divisional Magistrate for appropriate orders as suggested above and Sub Divisional Magistrate will pass orders accordingly, as expeditiously as possible and not later than one week from date of production of copy of this judgment.

With this observation, this petition is disposed of.

**K. HEMA, JUDGE**

smp